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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAJ-01

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R 301251Z JAN 76

FM AMEMBASSY ANKARA

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LIMITED OFFICIAL USE ANKARA 0794

E.O.11652: N/A

TAGS: PINT, PINS,TU

SUBJECT: NEW LEGISLATION ON MEETINGS AND DEMONSTRATION MARCHES

REF: ANKARA 0441

1. ON JANUARY 29 A NEW LAW ON THE FREEDOM OF MEETINGS AND DEMONSTRATION MARCHES WAS PROMULGATED IN THE OFFICIAL GAZETTE. THIS LEGISLATION HAD BEEN PROPOSED BY THE NATIONALIST FRONT GOVERNMENT FOLLOWING ACTION BY THE CONSTITUTIONAL COURT INVALIDATING PORTIONS OF PREVIOUS LEGISLATION.

2. THE MAIN PROVISIONS OF THE NEW LAW ARE:

(A) THE HIGHEST CIVIL AUTHORITY IN THE LOCALITY WHERE A MEETING OR DEMONSTRATION WILL BE HELD MUST BE NOTIFIED OF THE EVENT'S TIME, PLACE, AND PURPOSE AT LEAST 48 HOURS IN ADVANCE BY SPONSORING COMMITTEE OF
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AT LEAST THREE PERSONS POSSESSED OF FULL CIVIL RIGHTS.

(B) IN ADDITION TO THE SPONSORING COMMITTEE, THERE MUST BE AN ORGANIZING COMMITTEE OF AT LEAST THREE PERSONS. THIS COMMITTEE IS RESPONSIBLE FOR ENSURING THAT THE MEETING OR DEMONSTRATION IS ORDERLY AND DOES NOT RPT NOT DEVIATE FROM ITS STATED AIMS.

(C) AT LEAST ONE PERSON OF BOTH THE SPONSORING COMMITTEE AND THE ORGANIZING COMMITTEE MUST BE A RESIDENT OF THE LOCALITY IN WHICH THE MEETING OR DEMONSTRATION IS PLANNED.

(D) THE HIGHEST CIVIL AUTHORITY IN THE LOCALITY IS IMPOWERED TO DELAY THE MEETING OR DEMONSTRATION FOR NO RPT NO MORE THAN TEN DAYS IN CASE OF A PERCEIVED DANGER TO PUBLIC HEALTH OR ORDER. THE MEETING'S SPONSORING COMMITTEE AND THE MINISTRY OF THE INTERIOR MUST BE INFORMED OF THIS DECISION.

(E) SIMILARLY, THE PROVINCIAL GOVERNORS AND THE MINISTRY OF THE INTERIOR ARE EMPOWERED TO DELAY MEETINGS OR DEMONSTRATIONS FOR NO RPT NO MORE THAN TEN DAYS IF THE SECURITY FORCES MIGHT BE OVERBURDENED BY AN EXCESSIVE NUMBER OF MEETINGS AND DEMONSTRATIONS.

(F) A GOVERNMENT REPRESENTATIVE MUST BE PRESENT AT EACH MEETING AND DEMONSTRATION AND HAS THE RIGHT TO RECORD PROCEEDINGS BY TAPE RECORDER OR CAMERA. UPON THE REQUEST OF THE MEETING ORGANIZERS OR UPON HIS OWN JUDGMENT THAT PEACE AND ORDER CANNOT BE MAINTAINED, THE GOVERNMENT REPRESENTATIVE MAY DISBAND THE MEETING.

(G) FINES AND PRISON SENTENCES FOR NOT RPT NOT OBSERVING THE PROVISIONS OF THE NEW LAW HAVE BEEN SUBSTANTIALLY RAISED. FOR EXAMPLE, PREVENTING THE GOVERNMENT REPRESENTATIVE FROM CARRYING OUT HIS LAWFUL DUTIES WILL BE PUNISHED BY FROM SIX MONTHS TO TWO YEARS IMPRISONMENT AND A FINE OF FROM 1000 TO 5000 TURKISH LIRA.

3. COMMENT: NEW LAW IN COMPARISON WITH OLD, INVALIDATED
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LAW APPEARS TO GIVE GOVERNMENT TWO POTENTIALLY MAJOR WEAPONS IN DEALING WITH DEMONSTRATIONS: (1) POWER TO DELAY DEMONSTRATION UP TO TEN DAYS AND (2) AUTHORITY OF GOVERNMENT REPRESENTATIVE TO DISBAND DEMONSTRATION IF HE DECIDES PEACE AND ORDER THREATENED. RPP HAS PROMISED TO MOVE IMMEDIATELY TO CHALLENGE LAW IN COURT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, PUBLIC DEMONSTRATIONS, HUMAN RIGHTS, POLITICAL PARTIES, CIVIL DISORDERS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976ANKARA00794
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760037-0515
From: ANKARA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976017/aaaaafcm.tel
Line Count: 112
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 ANKARA 441
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 07 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 APR 2004 by CollinP0>; APPROVED <17 MAY 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NEW LEGISLATION ON MEETINGS AND DEMONSTRATION MARCHES
TAGS: PINT, PINS, TU
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006